

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

John Fralish, <i>on behalf of himself and others similarly situated,</i>	)	CASE NO. 3:22-cv-176-DRL-MGG
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Ceteris Portfolio Services, LLC,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S UNOPPOSED MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

John Fralish (“Plaintiff”), with the consent of Ceteris Portfolio Services, LLC (“Defendant”) and with no opposition from Settlement Class Members,<sup>1</sup> respectfully moves this Court under Rule 23(e) for final approval of the parties’ class action settlement. In support of his motion, Plaintiff states:

1. After over a year of litigation—which included motion practice and written discovery—the parties reached an agreement, with the assistance of a seasoned mediator, to resolve this Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, class action on behalf of a nationwide settlement class.

2. To that end, Defendant will create a non-reversionary, \$761,850.00 settlement fund for the benefit of the following Settlement Class: “All persons and entities throughout the United States (1) to whom Ceteris Portfolio Services, LLC delivered, or caused to be delivered, a voice mail box direct drop or ringless voice message, (2) between June 1, 2021 and February 1, 2023,

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<sup>1</sup> Capitalized terms not defined herein have the same meanings set forth in the parties’ settlement agreement, which previously was filed with its exhibits. ECF No. 44-1.

(3) to a cellular telephone number Ceteris Portfolio Services, LLC designated with an internal ‘wrong number’ designation at some point during the account history.”

3. The settlement will provide approximately \$752 to each of the 590 participating Settlement Class Members.

4. On May 19, 2023, this Court preliminarily approved the settlement. ECF No. 45.

5. The settlement, which provides substantial monetary relief to hundreds of participating Settlement Class Members, is fair, reasonable, adequate, and in the best interest of Settlement Class Members. Indeed, after a robust notice program, not a single Settlement Class Member or attorney general objected to any part of the settlement, nor did any persons exclude themselves from it.

6. Accordingly, Plaintiff and his counsel respectfully request that this Court enter the accompanying agreed order granting final approval.

7. Plaintiff also submits and incorporates by reference his memorandum of law in support of his unopposed motion for final approval of class action settlement.

8. Defendant consents to the relief requested.

Dated: August 15, 2023

/s/ Michael L. Greenwald  
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